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 5 TIBERON MINERALS LTD.

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 8 IN THE UNITED STATES DISTRICT COURT
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

11 TREVOR MOSS,

12 Plaintiff,

13 v.

14 TIBERON MINERALS LTD.,

15 Defendant.

CASE NO. C 07 2732 SC

STIPULATION AND (PROPOSED) ORDER REGARDING HEARING DATE AND FURTHER BRIEFING ON PLAINTIFF'S RULE 59 AND 60 MOTIONS

Date: January 25, 2008
Time: 10:00 a.m.
Dept.: Courtroom 1, 17th Floor
Judge: Hon. Samuel Conti

19 In accordance with Local Rule 6-1, the parties stipulate that the hearing date on plaintiff's
 20 pending motions under Federal Rules of Civil Procedure, Rules 59 and 60 shall be continued one
 21 week to February 1, 2008 and that the time to file opposition and to reply to said opposition shall
 22 also be extended one week. No other time extensions have been sought on these motions and the
 23 extension is to accommodate defendant's counsel's schedule as noted in the attached Exhibit A,
 24 Declaration of David J. Brown.

25 DATED: January 3, 2008

MBV LAW LLP

26 By _____ /s/
 27 DAVID J. BROWN
 Attorneys for Defendant
 TIBERON MINERALS LTD.

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STIPULATION AND (PROPOSED) ORDER REGARDING HEARING DATE AND FURTHER BRIEFING ON PLAINTIFF'S RULE 59 AND 60 MOTIONS – CASE NO. C 07 2732 SC

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1 DATED: January 3, 2008

CRAIGIE, MCCARTHY & CLOW

2 By _____ /s/
3 JAMES M. HANAVAN
4 Attorneys for Plaintiff
TREVOR MOSS

6 **ORDER**

7 IT IS ORDERED that the hearing date on plaintiff's Motion to Alter Judgment Pursuant
8 to FRCP59(e) and Motion for Relief from Judgment Dismissing for *Forum non-Conveniens*
9 Pursuant to FRCP 60(b) is continued to February 1, 2008 at 10:00 a.m., and that the time to
10 respond to the motions and to reply to the response is extended one week.

11 DATED:

13 _____
14 UNITED STATES DISTRICT JUDGE

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1 **EXHIBIT A**
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DECLARATION OF DAVID J. BROWN IN SUPPORT OF STIPULATION CONTINUING
HEARING DATE ON PLAINTIFF'S MOTION TO ALTER JUDGMENT PURSUANT TO
FRCP59(e) AND MOTION FOR RELIEF FROM JUDGMENT DISMISSING FOR *FORUM
NON-CONVENIENS* PURSUANT TO FRCP 60(b):

I, DAVID J. BROWN, declare:

1. I am the lead attorney in this matter for the defendant. I am familiar with the matter and I have direct and specific personal knowledge of the facts set forth herein and I would testify competently to them if called upon to do so.

2. I need an additional week to prepare defendant's response to plaintiff's Rule 59 and 60 motions. I had and took a scheduled Christmas vacation with my family from Christmas day until New Year's Eve. While I initially thought I could prepare the defendant's response to the motions without additional time, I find that I need another week.

3. With respect to these motions, no prior time extension has been sought. Before the Court granted defendant's motion to dismiss, relatively short extensions of time to respond to the complaint had been obtained.

4. I see no hardship being imposed on the Court or either party by this one week continuance. The case is dismissed and these post-judgment motions brought by the plaintiff will not disrupt any case schedule other than the briefing and hearing date on the motions being sought by this Stipulation.

I declare and state under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 3, 2008 at San Francisco, California.

26 _____
27 /s/
28 DAVID J. BROWN